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 Model Search International, LLC,
 Model Network, Inc.
 and Richard Troost

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PARBALL CORPORATION, a Nevada
 corporation, doing business as BALLY'S
 LAS VEGAS,

Plaintiff,

v.

MODEL SEARCH INTERNATIONAL, LLC,
 a Florida limited liability company, doing
 business as MODEL SEARCH AMERICA,
 MODEL NETWORK, INC., a corporation,
 doing business as MODEL SEARCH
 AMERICA, RICHARD TROOST also known
 as RICK TROOST, an individual,
 DOES I through XX, and
 ROE CORPORATIONS I through XX,

Defendants.

Case No.

DEFENDANTS'
PETITION FOR REMOVAL
UNDER 28 U.S.C. 1441(b)

TO THE CLERK OF THE ABOVE-NAMED COURT; AND,

TO ALL OTHER PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT defendants Model Search International, LLC, Model

SMITH LARSEN & WIXOM

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1 Network, Inc. and Richard Troost (collectively, “defendants”) hereby remove the State Court action
 2 described below to the United States District Court for the District of Nevada and allege as follow:

3
 4 1. On or about January 22, 2010, plaintiffs commenced an action in the Eighth Judicial
 5 District Court, Clark County, Nevada under Case Number A-10-608672-C (the “State Court”).

6 2. As is more fully set forth below, this action is properly removed to this Court
 7 pursuant to 28 U.S.C. §1441(b) because defendants have satisfied the procedural requirements for
 8 removal and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
 9 §1332(a)(1).
 10

11 3. Defendants were served with a copy of the summons and complaint on April 19,
 12 2010. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b). Pursuant
 13 to 28 U.S.C. §1446(a), a copy of the summons and complaint, and any orders served upon defendants
 14 in the State Court action are annexed hereto as **Exhibit “A.”**

15 4. Plaintiff alleges that it is organized and existing under the laws of the State of Nevada
 16 (Complaint, ¶1). Upon information and belief, plaintiff is domiciled in Nevada and is therefore a
 17 citizen of Nevada for purposes of diversity of citizenship.
 18

19 5. Defendant Model Search International, LLC is a limited liability company organized
 20 and existing under the laws of the State of Florida. None of its members are citizens of the State of
 21 Nevada for purposes of diversity of citizenship. Therefore, plaintiff and Model Search International,
 22 LLC are diverse for purposes of diversity of citizenship. Johnson v. Columbia Properties Anchorage,
 23 LP, 437 F.3d 894 (9th Cir. 2006).
 24

25 6. Defendant Model Network, Inc. is a corporation organized and existing under the
 26 laws of the State of Florida with its principal place of business located at 7975 Biscayne Point Circle,
 27
 28

1 Miami Beach, Florida. Model Network, Inc. is a citizen of Florida for purposes of diversity of
2 citizenship. 28 U.S.C. 1332(c)(1).

3
4 7. Defendant Richard Troost is a resident of the State of New Jersey, County of
5 Burlington.

6 8. Based upon the foregoing, there is complete diversity of citizenship between plaintiff
7 and the defendants.

8 9. The complaint alleges at paragraph 14 that defendants failed to pay plaintiff the
9 amount of \$427,726.57 for services rendered. Accordingly, the amount in controversy exceeds
10 \$75,000 and the amount in controversy requirement for purposes of diversity jurisdiction is satisfied.
11 28 U.S.C. §1332(a).

12
13 10. The Eighth Judicial District Court, Clark County, Nevada is located within the
14 District of Nevada. Therefore, venue is proper pursuant to 28 U.S.C. §108 because it is the "district
15 and division embracing the place where such action is pending." 28 U.S.C. §1441(a).

16
17 11. Pursuant to 28 U.S.C. §1446(d), a copy of this Petition for Removal is being: a)
18 served upon plaintiff's counsel and b) filed with the Clerk of the State Court.

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1 12. This Petition for Removal is submitted to the United States District Court for the
2 District of Nevada subject to the Federal Rules of Civil Procedure, and is signed pursuant to
3 Fed.R.Civ.P. 11.
4

5 WHEREFORE, defendants pray that this action be removed to the United States
6 District Court for the District of Nevada.

7 Respectfully submitted this 10 day of May, 2010.

8 SMITH LARSEN & WIXOM

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11 Kent F. Larsen, Esq.

12 Nevada Bar No. 3463

13 1935 Village Center Circle

14 Las Vegas, Nevada 89134

15 Attorneys for Defendants

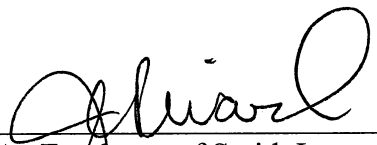
16 Model Search International, LLC,

17 Model Network, Inc. and Richard Troost
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Petition for Removal Under 28 U.S.C. 1441(b) , was mailed, postage prepaid, on this 10 day of May, 2010 to the following:

David C. Nelson
LAW OFFICES OF DAVID C. NELSON
228 South Fourth Street, Second Floor
Las Vegas, Nevada 89101
Attorneys for Plaintiff


An Employee of Smith Larsen & Wixom